

HOUSE BILL No. 1391

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1; IC 25-36.1.

Synopsis: Surgical technologists. Establishes the surgical technologist committee to certify surgical technologists. Establishes continuing education requirements for certified surgical technology. Establishes a Class B misdemeanor penalty for certain violations.

Effective: July 1, 2007.

Reske, Welch

January 16, 2007, read first time and referred to Committee on Technology, Research and Development.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1391

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-2-2.1, AS AMENDED BY P.L.87-2005,
2 SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 2.1. Rather than being issued annually, the
4 following permits, licenses, certificates of registration, or evidences of
5 authority granted by a state agency must be issued for a period of two
6 (2) years or for the period specified in the article under which the
7 permit, license, certificate of registration, or evidence of authority is
8 issued if the period specified in the article is longer than two (2) years:
9 (1) Certified public accountants, public accountants, and
10 accounting practitioners.
11 (2) Architects and landscape architects.
12 (3) Dry cleaners.
13 (4) Professional engineers.
14 (5) Land surveyors.
15 (6) Real estate brokers.
16 (7) Real estate agents.
17 (8) Security dealers' licenses issued by the securities



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- commissioner.
- (9) Dental hygienists.
- (10) Dentists.
- (11) Veterinarians.
- (12) Physicians.
- (13) Chiropractors.
- (14) Physical therapists.
- (15) Optometrists.
- (16) Pharmacists and assistants, drugstores or pharmacies.
- (17) Motels and mobile home community licenses.
- (18) Nurses.
- (19) Podiatrists.
- (20) Occupational therapists and occupational therapy assistants.
- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.
- (28) Athlete agents.
- (29) Manufactured home installers.
- (30) Home inspectors.

(31) Surgical technologists.

SECTION 2. IC 25-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.

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- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers.
- (21) Board of environmental health specialists.
- (22) State psychology board.
- (23) Indiana real estate commission.
- (24) Speech-language pathology and audiology board.
- (25) Department of natural resources.
- (26) State boxing commission.
- (27) Board of chiropractic examiners.
- (28) Mining board.
- (29) Indiana board of veterinary medical examiners.
- (30) State department of health.
- (31) Indiana physical therapy committee.
- (32) Respiratory care committee.
- (33) Occupational therapy committee.
- (34) Social worker, marriage and family therapist, and mental health counselor board.
- (35) Real estate appraiser licensure and certification board.
- (36) State board of registration for land surveyors.
- (37) Physician assistant committee.
- (38) Indiana dietitians certification board.
- (39) Indiana hypnotist committee.
- (40) Attorney general (only for the regulation of athlete agents).
- (41) Manufactured home installer licensing board.
- (42) Home inspectors licensing board.
- (43) Surgical technologist committee.**
- ~~(43)~~ **(44)** Any other occupational or professional agency created after June 30, 1981.

(c) Notwithstanding any other law, the entities included in subsection (b) shall send a notice of the upcoming expiration of a license to each licensee at least sixty (60) days prior to the expiration

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of the license. The notice must inform the licensee of the need to renew and the requirement of payment of the renewal fee. If this notice of expiration is not sent by the entity, the licensee is not subject to a sanction for failure to renew if, once notice is received from the entity, the license is renewed within forty-five (45) days of the receipt of the notice.

SECTION 3. IC 25-1-4-0.3, AS AMENDED BY P.L.157-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists ~~(IC 25-32-1)~~ **(IC 25-32-1)**.
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27-1).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).

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- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (37) Surgical technologist committee (IC 25-36.1-2).**

SECTION 4. IC 25-1-5-3, AS AMENDED BY P.L.206-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) There is established the Indiana professional licensing agency. The agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Controlled substances advisory committee (IC 35-48-2-1).
- (14) Committee of hearing aid dealer examiners (IC 25-20).
- (15) Indiana physical therapy committee (IC 25-27).
- (16) Respiratory care committee (IC 25-34.5).
- (17) Occupational therapy committee (IC 25-23.5).
- (18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (19) Physician assistant committee (IC 25-27.5).

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(20) Indiana athletic trainers board (IC 25-5.1-2-1).

(21) Indiana dietitians certification board (IC 25-14.5-2-1).

(22) Indiana hypnotist committee (IC 25-20.5-1-7).

(23) Surgical technologist committee (IC 25-36.1-2).

(b) Nothing in this chapter may be construed to give the agency policy making authority, which authority remains with each board.

SECTION 5. IC 25-1-5-10, AS AMENDED BY P.L.206-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dentistry (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

(9) Board of environmental health specialists (IC 25-32-1).

(10) Speech-language pathology and audiology board (IC 25-35.6-2).

(11) State psychology board (IC 25-33).

(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(13) Indiana physical therapy committee (IC 25-27).

(14) Respiratory care committee (IC 25-34.5).

(15) Occupational therapy committee (IC 25-23.5).

(16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(17) Physician assistant committee (IC 25-27.5).

(18) Indiana athletic trainers board (IC 25-5.1-2-1).

(19) Indiana dietitians certification board (IC 25-14.5-2-1).

(20) Indiana hypnotist committee (IC 25-20.5-1-7).

(21) Surgical technologist committee (IC 25-36.1-2).

(b) The agency shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

(1) The provider's name.

(2) The provider's license, certification, registration, or permit number.

(3) The provider's license, certification, registration, or permit

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type.

(4) The date the provider's license, certification, registration, or permit was issued.

(5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The agency shall make provider profiles available to the public.

(e) The computer gateway administered by the office of technology established by IC 4-13.1-2-1 shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The agency may adopt rules under IC 4-22-2 to implement this section.

SECTION 6. IC 25-1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

(1) licensed, certified, or registered by a board listed in this section; and

(2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).

(4) State board of barber examiners (IC 25-7-5-1).

(5) State boxing commission (IC 25-9-1).

(6) Board of chiropractic examiners (IC 25-10-1).

(7) State board of cosmetology examiners (IC 25-8-3-1).

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- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).
- (10) State board of registration for professional engineers (IC 25-31-1-3).
- (11) Indiana state board of health facility administrators (IC 25-19-1).
- (12) Medical licensing board of Indiana (IC 25-22.5-2).
- (13) Indiana state board of nursing (IC 25-23-1).
- (14) Indiana optometry board (IC 25-24).
- (15) Indiana board of pharmacy (IC 25-26).
- (16) Indiana plumbing commission (IC 25-28.5-1-3).
- (17) Board of podiatric medicine (IC 25-29-2-1).
- (18) Board of environmental health specialists (IC 25-32-1).
- (19) State psychology board (IC 25-33).
- (20) Speech-language pathology and audiology board (IC 25-35.6-2).
- (21) Indiana real estate commission (IC 25-34.1-2).
- (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.
- (24) Respiratory care committee (IC 25-34.5).
- (25) Private detectives licensing board (IC 25-30-1-5.1).
- (26) Occupational therapy committee (IC 25-23.5).
- (27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (28) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (29) State board of registration for land surveyors (IC 25-21.5-2-1).
- (30) Physician assistant committee (IC 25-27.5).
- (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- (34) Indiana physical therapy committee (IC 25-27).
- (35) Manufactured home installer licensing board (IC 25-23.7).
- (36) Home inspectors licensing board (IC 25-20.2-3-1).
- (37) Surgical technologist committee (IC 25-36.1-2).**
- ~~(37)~~ **(38)** Any other occupational or professional agency created after June 30, 1981.

SECTION 7. IC 25-1-8-1 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board" means any of the following:

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- 1 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 2 (2) Board of registration for architects and landscape architects
- 3 (IC 25-4-1-2).
- 4 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 5 (4) State board of barber examiners (IC 25-7-5-1).
- 6 (5) State boxing commission (IC 25-9-1).
- 7 (6) Board of chiropractic examiners (IC 25-10-1).
- 8 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 9 (8) State board of dentistry (IC 25-14-1).
- 10 (9) State board of funeral and cemetery service (IC 25-15).
- 11 (10) State board of registration for professional engineers
- 12 (IC 25-31-1-3).
- 13 (11) Indiana state board of health facility administrators
- 14 (IC 25-19-1).
- 15 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 16 (13) Mining board (IC 22-10-1.5-2).
- 17 (14) Indiana state board of nursing (IC 25-23-1).
- 18 (15) Indiana optometry board (IC 25-24).
- 19 (16) Indiana board of pharmacy (IC 25-26).
- 20 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 21 (18) Board of environmental health specialists (IC 25-32-1).
- 22 (19) State psychology board (IC 25-33).
- 23 (20) Speech-language pathology and audiology board
- 24 (IC 25-35.6-2).
- 25 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 26 (22) Indiana board of veterinary medical examiners
- 27 (IC 15-5-1.1-3).
- 28 (23) Department of insurance (IC 27-1).
- 29 (24) State police department (IC 10-11-2-4), for purposes of
- 30 certifying polygraph examiners under IC 25-30-2.
- 31 (25) Department of natural resources for purposes of licensing
- 32 water well drillers under IC 25-39-3.
- 33 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 34 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 35 (28) Social worker, marriage and family therapist, and mental
- 36 health counselor board (IC 25-23.6-2-1).
- 37 (29) Real estate appraiser licensure and certification board
- 38 (IC 25-34.1-8).
- 39 (30) State board of registration for land surveyors
- 40 (IC 25-21.5-2-1).
- 41 (31) Physician assistant committee (IC 25-27.5).
- 42 (32) Indiana athletic trainers board (IC 25-5.1-2-1).

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- (33) Board of podiatric medicine (IC 25-29-2-1).
 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
 (35) Indiana physical therapy committee (IC 25-27).
 (36) Manufactured home installer licensing board (IC 25-23.7).
 (37) Home inspectors licensing board (IC 25-20.2-3-1).
(38) Surgical technologist committee (IC 25-36.1-2).
~~(38)~~ **(39)** Any other occupational or professional agency created
 after June 30, 1981.

SECTION 8. IC 25-1-9-1 IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "board"
 means any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
 (2) State board of dentistry (IC 25-14-1).
 (3) Indiana state board of health facility administrators
 (IC 25-19-1).
 (4) Medical licensing board of Indiana (IC 25-22.5-2).
 (5) Indiana state board of nursing (IC 25-23-1).
 (6) Indiana optometry board (IC 25-24).
 (7) Indiana board of pharmacy (IC 25-26).
 (8) Board of podiatric medicine (IC 25-29-2-1).
 (9) Board of environmental health specialists (IC 25-32).
 (10) Speech-language pathology and audiology board
 (IC 25-35.6-2).
 (11) State psychology board (IC 25-33).
 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
 (13) Indiana physical therapy committee (IC 25-27-1).
 (14) Respiratory care committee (IC 25-34.5).
 (15) Occupational therapy committee (IC 25-23.5).
 (16) Social worker, marriage and family therapist, and mental
 health counselor board (IC 25-23.6).
 (17) Physician assistant committee (IC 25-27.5).
 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
 (20) Indiana hypnotist committee (IC 25-20.5-1-7).
(21) Surgical technologist committee (IC 25-36.1-2).

SECTION 9. IC 25-36.1 IS ADDED TO THE INDIANA CODE AS
 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 2007]:

ARTICLE 36.1. SURGICAL TECHNOLOGISTS

Chapter 1. Definitions

**Sec. 1. As used in this article, "board" refers to the medical
 licensing board of Indiana.**

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1 **Sec. 2.** As used in this article, "certified surgical technologist"
2 means an individual who is certified under this article to practice
3 surgical technology.

4 **Sec. 3.** As used in this article, "committee" refers to the surgical
5 technologist committee established by IC 25-36.1-2-1.

6 **Sec. 4.** As used in this article, "physician" means an individual
7 who holds an unlimited license under IC 25-22.5.

8 **Sec. 5.** As used in this article, "surgical technology" means
9 preoperative surgical patient care involving:

10 (1) preparation of the operating room and the sterile field for
11 surgical procedures by preparing sterile supplies,
12 instruments, and equipment using sterile techniques;

13 (2) preparation of the operating room for surgical procedures
14 by ensuring that surgical equipment is functioning properly
15 and safely; and

16 (3) as directed in an operating room setting, performance of
17 tasks that include passing instruments, equipment, or
18 supplies, sponging or suctioning an operative site, preparing
19 and cutting suture material, transferring fluids or drugs,
20 holding retractors, and assisting in counting sponges, needles,
21 supplies, and instruments.

22 **Chapter 2. Surgical Technologist Committee**

23 **Sec. 1.** The surgical technologist committee is established.

24 **Sec. 2. (a)** The committee consists of five (5) members appointed
25 by the governor for terms of three (3) years.

26 **(b)** The committee must include the following:

27 (1) Three (3) surgical technologists who:

28 (A) are residents of Indiana;

29 (B) have at least three (3) years experience as surgical
30 technologists; and

31 (C) are certified under this article.

32 (2) A physician licensed under IC 25-22.5 who is familiar with
33 the practice of surgical technology.

34 (3) An individual who:

35 (A) is a resident of Indiana; and

36 (B) is not associated with surgical technology in any way
37 other than as a consumer.

38 **Sec. 3.** A surgical technologist appointed to the committee must
39 continue to practice as a surgical technologist while serving as a
40 member of the committee.

41 **Sec. 4.** A member of the committee may be removed by the
42 governor for cause.

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Sec. 5. The committee shall do the following:

- (1) Consider the qualifications of individuals who apply for certification under this article.
- (2) Certify qualified individuals.
- (3) Propose rules to the board concerning the competent practice of certified surgical technologists and the administration of this article.
- (4) Recommend to the board the amounts of fees required under this article.

Sec. 6. (a) After considering the committee's proposed rules, the board shall adopt rules under IC 4-22-2 to establish standards for the following:

- (1) The competent practice of certified surgical technologists.
- (2) The renewal of certificates issued under this article.
- (3) Standards for the administration of this article.

(b) After considering the committee's recommendations for fees, the board shall establish fees under IC 25-1-8-2.

Sec. 7. Each member of the committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Chapter 3. Certification

Sec. 1. (a) Each applicant for certification as a surgical technologist must submit the following to the committee:

- (1) Satisfactory evidence that the applicant has successfully completed an educational program for surgical technologists accredited by the Commission on Accreditation of Allied Health Education Programs.
- (2) Satisfactory evidence that the applicant either:
 - (A) holds and maintains the Certified Surgical Technologist Credential administered by the National Board of Surgical Technology and Surgical Assisting (NBSTSA); or
 - (B) has completed an appropriate training program for surgical technologists in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard or in the United States Public Health Service.
- (3) Any other information the committee considers necessary

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to evaluate the applicant's qualifications.

(4) Satisfactory evidence that the applicant has not been:

(A) engaged in an act that would constitute grounds for a disciplinary sanction under IC 25-1-9; or

(B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the applicant was not able to practice as a surgical technologist without endangering the public.

(b) At the time of making the application, each applicant must pay a fee determined by the board.

Sec. 2. (a) The committee shall, under IC 25-1-2, renew every two (2) years the certification of a individual who:

(1) meets the continuing education requirements established under IC 25-36.1-4; and

(2) pays the fee set by the board.

(b) If an individual does not renew the surgical technologist certification before its expiration, the individual's certification becomes invalid without action taken by the committee. A certification that becomes invalid under this subsection may be reinstated by the committee up to three (3) years after its invalidation if the individual who holds an invalid certification meets the requirements under IC 25-1-8-6.

(c) The board may adopt rules under IC 4-22-2 to establish requirements for reinstatement of an invalid certificate after consideration of a recommendation of the committee.

Sec. 3. (a) The committee may issue a certificate by endorsement to an applicant who:

(1) presents satisfactory evidence to the committee that the person holds:

(A) a license or certification to practice surgical technology in:

(i) another state; or

(ii) a jurisdiction of Canada; or

(B) credentials issued by a national surgical technologist organization approved by the committee;

(2) meets the requirements of section 1 of this chapter; and

(3) pays a fee determined by the board after consideration of a recommendation of the committee.

(b) If the applicant presents satisfactory evidence that the applicant has actively engaged in the practice of surgical technology that included actual patient care:

(1) in another jurisdiction;

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(2) under the supervision of a physician licensed in that jurisdiction; and

(3) for at least five (5) years preceding the date of application; the committee may waive the education requirements under subsection (a)(2) and section 1 of this chapter if the committee determines that the applicant has sufficient knowledge and experience.

Sec. 4. The committee may refuse to issue a certificate or may issue a probationary certificate to an applicant if:

(1) the applicant has been disciplined by an administrative agency in another jurisdiction or been convicted for a crime that has a direct bearing on the applicant's ability to practice competently; and

(2) the committee determines that the act for which the applicant was disciplined or convicted has a direct bearing on the individual's ability to practice as a surgical technologist.

Sec. 5. (a) If the committee issues a probationary certificate under section 4 of this chapter, the committee may require the individual who holds the probationary certificate to meet at least one (1) of the following conditions:

(1) Report regularly to the committee upon a matter that is the basis for the probation.

(2) Limit practice to areas prescribed by the committee.

(3) Continue or renew professional education.

(4) Engage in community restitution or service without compensation for a number of hours specified by the committee.

(b) The committee shall remove a limitation placed on an individual who holds a probationary certificate if after a hearing the committee finds that the deficiency that caused the limitation has been remedied.

Sec. 6. (a) The committee may grant temporary certification to an applicant who:

(1) meets the qualifications for certification under section 1 of this chapter except:

(A) for the taking of the Certified Surgical Technologist Credential examination; or

(B) if the applicant has taken the Certified Surgical Technologist Credential examination, is awaiting the results; or

(2) meets the qualifications for certification under section 1 of this chapter but is awaiting the next scheduled meeting of the

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committee.

(b) A temporary certification is valid until the earliest of the following:

(1) The results of an applicant's examination are available.

(2) The committee makes a final decision on the applicant's request for certification.

Sec. 7. An individual who is certified under this chapter and who notifies the board in writing may elect to place the surgical technologist's certification on an inactive status.

Sec. 8. (a) An individual who is certified under this chapter shall notify the committee in writing when the individual retires from practice.

(b) Upon receipt of the notice, the committee shall:

(1) record the fact the individual is retired; and

(2) release the individual from further payment of renewal fees.

Sec. 9. (a) If an individual surrenders a certificate to the committee, the committee may reinstate the certificate upon written request by the individual.

(b) If the committee reinstates a certificate, the committee may impose conditions on the certificate appropriate to the reinstatement.

(c) An individual may not surrender a certificate without written approval by the committee if a disciplinary proceeding under this article is pending against the individual.

Chapter 4. Continuing Education

Sec. 1. Except as provided in section 2 of this chapter, a certified surgical technologist must complete fifteen (15) hours annually of continuing education approved by the Association of Surgical Technologists.

Sec. 2. An individual who has and maintains the Certified Surgical Technologist Certification by the Association of Surgical Technologists is considered to have completed the continuing education requirements required under this chapter.

Chapter 5. Scope of Practice

Sec. 1. (a) This chapter does not apply to the practice of a health care professional set forth under IC 25-22.5-1-2(a)(1) through IC 25-22.5-1-2(a)(19).

(b) This article does not prohibit or prevent a licensed, certified, or registered health care practitioner from practicing surgical technology consistent with the licensed practitioner's license or scope of practice.

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1 **Sec. 2. A certified surgical technologist must engage in a**
 2 **dependent practice with physician supervision. A certified surgical**
 3 **technologist may perform the duties and responsibilities that are**
 4 **delegated by the supervising physician when providing surgical**
 5 **technology.**

6 **Sec. 3. A certified surgical technologist shall:**

7 (1) **keep the surgical technologist's certificate available for**
 8 **inspection at the surgical technologist's primary place of**
 9 **business; and**

10 (2) **when engaged in the surgical technologist's professional**
 11 **activities, wear a name tag identifying the individual as a**
 12 **certified surgical technologist.**

13 **Chapter 6. Practice; Penalty; Sanctions**

14 **Sec. 1. An individual may not:**

15 (1) **profess to be a certified surgical technologist; or**

16 (2) **use the initials "CST" or any other words, letters,**
 17 **abbreviations, or insignia indicating or implying that the**
 18 **individual is a surgical technologist certified under this**
 19 **article;**

20 **unless the individual is certified under this article.**

21 **Sec. 2. An individual who violates this chapter commits a Class**
 22 **B misdemeanor.**

23 **Sec. 3. In addition to the penalty under section 2 of this chapter,**
 24 **a certified surgical technologist who violates this article is subject**
 25 **to the sanctions under IC 25-1-9.**

26 **SECTION 10. [EFFECTIVE JULY 1, 2007] (a) Notwithstanding**
 27 **IC 25-36.1-2-2, as added by this act, the governor shall appoint the**
 28 **initial members of the surgical technologist committee, established**
 29 **by this act, before September 1, 2007, for terms expiring as follows:**

30 (1) **One (1) surgical technologist for a term expiring June 30,**
 31 **2008.**

32 (2) **One (1) surgical technologist and one (1) physician for**
 33 **terms expiring June 30, 2009.**

34 (3) **One (1) surgical technologist and one (1) consumer of**
 35 **surgical technology services for terms expiring June 30, 2010.**

36 (b) **Notwithstanding IC 25-36.1-2-2, as added by this act, the**
 37 **governor may appoint initial members to the surgical technologist**
 38 **committee who are not certified under IC 25-36.1, as added by this**
 39 **act, but who otherwise meet the requirements for members under**
 40 **IC 25-36.1-2, as added by this act.**

41 (c) **This SECTION expires July 1, 2010.**

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